

REMARKS

This amendment responds to the Office Action dated February 3, 2009, in which the Examiner objected to the Abstract and Specification, rejected claim 7 under 35 U.S.C. § 101, rejected claims 1-2 and 5-7 under 35 U.S.C. § 102 (b) and rejected claims 3-4 under 35 U.S.C. § 103.

Applicant respectfully points out that this application is a National Stage of an International Application. Therefore, Applicant respectfully requests the Examiner indicate acknowledgement of priority by marking boxes 12a(3) rather than box 12a(1) on PTOL-326.

As indicated above, page 9 of the drawings has been cancelled without prejudice. Applicant respectfully requests the Examiner approves the correction since page 9 only refers to the reference numerals of the drawings.

As indicated above, the Abstract has been amended to correct a minor informality. Therefore, Applicant respectfully requests the Examiner withdraws the objection to the Abstract.

As indicated above, the Specification has been amended to include cross reference to the foreign priority. Therefore, Applicant respectfully requests the Examiner withdraws the objection to the Specification.

As indicated above, claim 7 has been amended to be directed to statutory subject matter. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claim 7 under 35 U.S.C. § 101.

As indicated above, claims 1, 6 and 7 have been amended to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims a temporary storage management apparatus, claim 6 claims a temporary storage management method and claim 7 claims a computer readable temporary management program. The apparatus, method and program disable reproduction of copy protected content data by re-associating another temporary storage start time following a temporary storage start time with a reproducible start point every time when a period reaches a temporary storage allowable time. The period is from the temporary storage start time associated with the reproduction start time to a current time. Parts of the content data stored longer than the temporary storage allowable time are therefore unreproducible.

By reassociating another temporary storage start time every time a period reaches a temporary storage allowable time so that parts of the content data stored longer than the temporary storage allowable time are unreproducible, as claimed in claims 1, 6 and 7, the claimed invention provides an apparatus, method and program which removes parts of the content data from a reproducible range when the allowable storage time has elapsed. The prior art does not show, teach or suggest the invention as claimed in claims 1, 6 and 7.

Claims 1-2 and 5-7 were rejected under 35 U.S.C. § 102 (b) as being anticipated by *Hori, et al.* (U.S. Publication No. 2003/0086692).

Hori, et al. appears to disclose reproduction of video contents having video data using special reproduction control information [0111]. The special reproduction is reproduction by a method other than a normal reproduction. A special reproduction includes a double speed reproduction, jump reproduction and trick reproduction [0112]. Content storage unit 25 stores at least video data and special reproduction control information [0136].

Thus, *Hori, et al.* merely discloses storing video data in a content storage unit 25 for special reproduction (non-normal reproduction). Nothing in *Hori, et al.* shows, teaches or

suggests disabling reproduction of copy protected content data by allowing the content data to be temporarily stored and reproducible only within a prescribed allowable time as claimed in claims 1, 6 and 7. Rather, *Hori, et al.* merely discloses a content storage unit 25 storing video data and special reproduction control information for non-normal reproduction such as double speed reproduction.

Additionally, *Hori, et al.* appears to disclose determining whether a display time is larger than a threshold value of a preset display time [0231]. If the display time is larger, the video location information is displayed for D' seconds [0232]. If the display time is not larger, the frame information which is not smaller than the threshold value is searched in a forward direction. During the search, the display time of the frame information which is smaller than the threshold value of the display time is all added to the display time of the frame information [0233].

Thus, *Hori, et al.* only discloses determining the display time of frame and if the display time is larger than a threshold value, displaying the frame. Nothing in *Hori, et al.* shows, teaches or suggests re-associating another start time every time a period reaches a temporary storage allowable time as claimed in claims 1, 6 and 7. Rather *Hori, et al.* is directed to displaying information when a display time is larger than a threshold value. Nothing in *Hori, et al.* shows, teaches or suggests changing the start time when a period reaches a storage allowable time.

Furthermore, *Hori, et al.* merely discloses that when the display time is not larger than a threshold value, adding the smaller display times to the display time of the frame information. Nothing in *Hori, et al.* shows, teaches or suggests that when parts of the content data are stored longer than the allowable time, the parts are unreproducible as claimed in claims 1, 6 and 7.

Rather, *Hori, et al.* merely discloses changing a display time. *Hori, et al.* does not disclose a storage allowable time.

Since *Hori, et al.* is directed to a special reproduction rate such as double time reproduction and is directed to a display time of a frame during the special reproduction, nothing in *Hori, et al.* shows, teaches or suggests (a) disabling reproduction of copy protection content data, (b) managing temporary storage of the content data to be reproducible only within a prescribed allowable time, (c) re-associating another storage start time every time a period reaches a temporary storage allowable time and (d) parts of the content data stored longer than the temporary allowable time are unreplicable as claimed in claims 1, 6 and 7. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 1, 6 and 7 under 35 U.S.C. § 102 (b).

Claims 2 and 5 recite additional features. Applicant respectfully submits that claims 2 and 5 would not have been anticipated by *Hori, et al.* within the meaning of 35 U.S.C. § 102 (b) at least for the reasons as set forth above. Applicants respectfully requests the Examiner withdraws the rejection to claims 2 and 5 under 35 U.S.C. § 102 (b).

Claim 3 was rejected under 35 U.S.C. § 103 as being unpatentable over *Hori, et al.* in view of *Safadi, et al.* (U.S. Publication No. 2002/0009285). Claim 4 was rejected under 35 U.S.C. § 103 as being unpatentable over *Hori, et al.* in view of *Kaneko, et al.* (U.S. Publication No. 2002/0077899).

Applicant respectfully traverses the Examiner's rejection of claims 3 and 4 under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Hori, et al.* shows, teaches or suggests the primary features as claimed in claim 1, Applicant respectfully submits that the combination of the primary reference with the secondary reference to *Safadi, et al.* or *Kaneko, et al.* will not overcome the deficiencies of the primary reference. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 3 and 4 under 35 U.S.C. § 103.

The prior art of record, which is not relied upon, is acknowledged. The reference taken singularly or in combination does not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

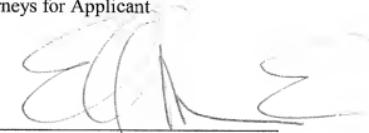
In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

Date: May 1, 2009

By: 
Ellen Marcie Emas
Reg. No. 32,131
Tel. (202) 292-1530

Marked up copy

~~Description of reference numerals~~

1...recording/reproduction apparatus, 2...CPU, 4...volatile memory,
5...hard disk drive, 33...information extraction circuit,
TS2...transport stream, TS3...recording transport stream,
TS4...encrypted transport stream, D16...video PES packet data,
D17...audio PES packet data, F1...stream file,
F2...reproduction procedure information file,
F3...reproduction management information file,
RT1...temporary storage management procedure